

THE
TRYAL
 OF
S^r. Miles Stapleton Bar.
 FOR
HIGH TREASON,
 IN
 Conspiring the DEATH of
 THE
KING, &c.
 AT
YORK ASSIZES
 ON

The 18th. day of *July*, 1681. Before the Right Honourable Sir *William Dolben* Knight, One of the Justices of the Court of Kings Bench, and *William Gregory*, Esq; one of the Barons of the Court of Exchequer, then Judges of Assize for the Northern Circuit.

To which is added the TRYAL and CONDEMNATION
 of Mr. *THOMAS THWING* for *High Treason*,
 At the Summer Assizes before.

LONDON

Printed for *Richard Baldwin* in the *Old-Baily* 1681.

THE
TRIAL

OF
S. Miles Stiplicon Bar

FOR
HIGH TREASON

Against the Death of

YORK ASSISTANT

The Trial of S. Miles Stiplicon Bar
for High Treason
against the Death of
YORK ASSISTANT

By Thomas Stiplicon Bar
YORK ASSISTANT

LONDON

T H E
 W H O L E P R O C E E D I N G S,
 A G A I N S T
 S^r. Miles Stapleton
 B A R O N E T, &c.

S I R Miles Stapleton Baronet, was Indicted at a Sessions of *Oyer and Terminer* at the West-Riding of the County of *York*, and the Indictment was removed by a Writ of *Certiorari* to the Kings Bench, where Sir Miles Stapleton having been Arraigned and pleaded to the same not guilty, was sent down to be tried in the County of *York*. The Indictment was as followeth.

Sir Miles Stapleton late of *Carleton* in the County of *York* Baronet stands Indicted, for that he as a false Traytor against our Illustrious and Excellent Prince, King *Charles* the second, his natural Lord, not having God before his eyes, nor weighing the Duty of his Allegiance, but by the Instigation of the Devil being moved and seduced, the Cordial Love, and true, due, and natural Obedience, which true and faithful Subjects of our Lord the King should bear to him, and of right are bound to bear, wholly withdrawing, devising, and with all his power intending, to disturb the peace and Common Tranquility of this Realm, and to bring and put our said Lord the King to death and final destruction, and the true worship of God in this Kingdom by Law established and used, to alter to the Superstition of the Church of *Rome*, and to move and stir up Warr against our said Lord the King in this Realm, and to subvert the Government of this Kingdom, the 30th. day of *May*, in the thirty first year of our said Lord the King's Reign, at the Parish of *Barnick* in *Elmet* in the said County of *York*, in the West-Riding of the same County, with divers other false Traytors unknown, did traiterously compass, imagin and intend, the death and final destruction of our said Lord the King, and to change and alter, and wholly to subvert the Antient Government of this Realm, and to depose and wholly to deprive the King of the Crown and Government of the said Kingdom, and to root out the true Protestant Religion; and to fulfil and accomplish the same most wicked treasons, and trayterous imaginations and purposes, the said Sir Miles Stapleton, and other false Traytors unknown, on the said 30th. of *May* in the thirty first year aforesaid, with force and Arms, at the Parish of *Barnick* aforesaid, advisedly, devillishly, maliciously and traiterously, did assemble, unite and gather themselves together, and then did devillishly, advisedly, maliciously, craftily and traiterously, consult and agree, to bring our said Lord the King to death, and final destruction, and to depose and deprive him of his Crown and Government, and Introduce and Establish the Religion of the Roman Church in this Realm; and the sooner to fulfil and accomplish the said most wicked Treasons and Traiterous Imaginations and purposes, the said Sir Miles Stapleton, and other unknown Traytors, then and there advisedly, maliciously and traiterously, did further consult and agree to contribute, pay and expend divers large summs of mony, to divers of the King's Subjects, and other persons unknown, to procure those persons traiterously to kill our said Lord the King, and to introduce the Roman Religion into this Realm, against the Duty of his Allegiance, against the Peace of our said Lord the King, his Crown and Dignity, and against the form of the Statute in such Case made and provided.

Clerk of Assize, Hold up thy hand, Sir Miles, thou hast heard the Treasons and o-

ther misdemeanors whereof thou stand'st Indicted, art thou guilty thereof or not guilty?

Sir Miles. Not guilty.

Clerk of Assize. How wilt thou be tried?

Sir Miles. By God and my Country.

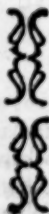
Clerk of Assize. God send thee a good deliverance.

Clerk of Assize. Sir Miles, this understand you, that these Gentlemen that are now to be sworn, are returned by the Sheriff of this County, to pass between our Sovereign Lord the King and you for your Life; therefore if you will Challenge any of them, you are to challenge them as they come to be sworn and before they be sworn.

The Jury being called, Mr. Just. Dolben took notice to Sir Miles that there were but few appeared, and therefore told him he would do well not to Challenge too many of them, Sir Miles thereupon said he should not Challenge many; and enquired whether those that served on the Lady Tempests, Mr. Thwings and Mr. Ingleby's Juries did now appear? and the Judge answered him, that if they did, care should be taken that they should not be sworn.

Then the Jury being called to the Book, Sir Miles challenged these, viz.

Sir David Fowler, Bar.
John Eastoft, Esq;
William Bethel, Esq;
William Caley, Esq;
Towers Driffeld, Esq;
Marm. Trueman, Esq;
John Wright, Esq;
John Green Esq;



Rob. Bell, Gent.
John Dixon, Gent.
Tho. Wood, Gent.
Rob. Turner Gent.
John Beckwith, Gent.
Simon Warrenner, Gent.
Gervaise Hatfield, Gent.
John Coats, Gent.

And only two of the Jury } Tho. Fletcher, } were sworn.
returned, viz. } Rob. Gudgeon, }

Mr. Just. Dolb. Sir Miles, I see you must stay till the next Assizes, for you challenge so many, here will not be a Jury gotten.

Sir Miles. If your Lordship please, I shall be content, and do desire the Jury may be called that served the first day; nay all the three Juries if you please.

Mr. Just. Dolb. That is, you would chuse all of one way, and leave the others; where is the Indifferency of the Trial then? but come call them, I cannot deny it.

The three Juries called, and five Challenged, viz.

Tho. Worsely, Esq;
Samuel Tennant, Gent.
Rob. Bagwell, Gent.



Roger Strettonel, Gent.
Roger Lee, Esq;

And these sworn, viz.

Sir Tho. Pennymau, Bar.
Tho. Rokely, Esq;
William Stone.
Thomas Conyers.



Christopher Tankerd Esq; who was Excepted against by Sir Thomas Stringer, as one that disparaged the Evidence of the Plot, and called his Doggs by the names of Oats and Bedloe;

which the Judge allowed to be a good Exception; but there being no witness in the Court to prove it, he was sworn.

Mr. Just. Dolb. Sir Miles, you must stay till the next Assizes, we have not a full Jury.

Sir Miles. Here are Gentlemen in the Court, your Lordship may take whom you please.

Mr. Just. Dolb. I can not do it without the Kings Council move for a Tales, which as this Case stands they will not do. And so he was remanded to Prison, and Remanes pro defectu Juratorum until the 18th. day of July 1681. And at the Assizes then holden for the County of York before Mr. Just. Dolben, and Mr. Baron Gregory, was proceeded against as followeth.

Clerk of Assize. Sir Miles Stapleton hold up thy hand, thou standst Indicted by the name of Miles Stapleton late of Conyeton in the County of York Bar. &c. Pro ut in the Indictment.

After

After not Guilty pleaded to the Indictment and other formalities of Court as before, these Gentlemen following were called.

Sir Thomas Malliverer; Kt. Challenged by the Kings Counsel.

Sir Roger Bekwith Kt. Challenged by the Kings Counsel.

Sir Miles. Are any Challenged?

Mr. Just. Dolb. Yes, there are two Challeng'd for the King.

Sir Miles. I hope they must shew cause why they Challenge them.

Mr. Just. Dolb. Yes, they shall, but they are not bound to shew cause before the Pannel be gone through, and then, if you desire it they will shew cause: but I suppose

Sir Thomas Malliverer Married a Kinswoman of yours, and if so tis a good Exception;

Sir Miles. I desire it may be proved.

Richard Audbrough Esq; Challenged by the King.

John Dodsforth Esq; Challenged by the King.

Isaac Fairfax Esq;

Christopher Bradshaw Esq;

} Challenged by Sir Miles.

These twelve following were called and Sworn, viz;

Sir Barrington Boucher, Kt.

Sir John Jennings, Kt.

Richard Hutton, Esq;

Welbrough Norton, Esq;

Tobias Hodgson, Esq;

John Beverly, Esq;



Anthony Franckland, Esq;

John Addams, Esq;

Francis Battery, Esq;

Francis Fuldgam, Esq;

Humphry Brooke, Esq;

Thomas Lee, Esq;

Crier. Twelve good men and true, stand together and hear your Evidence.

Clerk of Assize. Sir Miles Stapleton, Hold up thy hand (which he did) Gentlemen, you of the Jury that are Sworn, look upon the Prisoner and hearken to his Charge; you shall understand that he stands Indicted by the name of Sir Miles Stapleton, &c. *pro ut* in the Indictment; upon this Indictment he hath been arraigned, and thereunto pleaded, not Guilty, and for his Tryal hath put himself upon his Country, which Country you are, &c.

Then Proclamation was made for Evidence, and Sir Thomas Stringer, one of the Kings Counsel aggravated the Indictment as followeth.

Sir Miles Stapleton. I desire my Lord the Kings Evidence may be put a part, not to hear what each other Swears.

Mr. Just. Dolb. No, no Sir Miles, that must not be, would you have the same for your Witnesses?

Sir Tho. Stringer. May it please your Lordship, and you Gentlemen of the Jury: Sir Miles, the Prisoner at the Barr stands here Indicted of the greatest and blackest Treasons that can be invented by the worst of men; He stands here Indicted for endeavouring to depose the King from his Crown and Dignity; and by imagining and Compassing the Death of the King to alter the Established Government, and rout out the true Protestant Religion, and to Establish the Romish Religion among us. Gentlemen, to Compals these wicked designs we shall prove there hath been several Consults where the Prisoner at the Bar hath been, and where he hath Contributed money to Carry on these wicked designs: And Gentlemen I must acquaint you there hath been a horrid Plot against the King and Government, and I need not do it, for it hath been made Notoriously known; not only Parliaments have declar'd it so, but there have been Noblemen, Gentlemen, and Priests, Nay, some men have been found guilty for carrying on the Horrid designe and have receiv'd their deserts. This Plot, Gentlemen, is no new Plot, not a Plot of a day, nor of an Age; But a Plot that hath been carried on for a hundred years. My Lords since we were delivered by God's mercy from the Popish Religion by the Reformation; ever since that time, the Pope, the Jesuits, the Priests and those of the Popish perswasion, have, my Lords, been from time to time and ever since, endeavouring to carry on this wicked designe,

and had destroyed us long since, if we had not been by God Almighty from time to time deliver'd from their power. And you Gentlemen of the Jury I must tell you, this Plot was carryed on in Queen *Elizabeth's* time; And as they did in this Plot carry on their designs, with the King of *France*, so then they carryed it on with the King of *Spain*, at *Validolid* in *Spain*. The King of *Spain*, he Joyn'd with the Popish partie here; but it pleas'd the Lord to take the Queen to his mercy, before that Plot was effected. And I must tell you, the same men of the same quality that carryed it on then, have now endeavour'd to carry it on in these dayes. My Lords, the King of *Spain*, though he was a Papist, yet it was so horrid a thing that he left them to carry on their wicked design, and God Almighty did preserve the Queen. My Lords, they rested not here, but in King *James* his time they design'd to have destroy'd both King and Parliament at one blow, and thereby the whole Nation in its representatives, and this they managed by *Guy Faux* and others. And all King *Charles* his time the same Plot was on foot, and pray how far did they bring it? they brought it to the Death of that Gracious King, and the sad effects of a Civil War; and they have brought it in these days, to raise Officers, Generals, Major Generals, and other Officers, and proceeded so far that Actual Commission was deliver'd for destroying our King, and if this had not been by God's mercy prevented, what would have been the evil effects thereof ere this day? And Gentlemen, I must tell you that which is now before you is the greatest, and most wicked design that ever was before men; and though you be of Relations and kindred, yet I know if you have but Conscience and Right in you, you will give a Verdict according to the justness of the thing and the Evidence you shall have.

Sir *John Ottway*. We will call Mr. *Smith* first who will give you an Account of the Plot in General.

Mr. *John Smith* call'd, and Sworn.

Mr. *Jus. Dolb.* Mr. *Smith* pray tell the Court what you know of the Plot.

Mr. *Smith*. I must speak of it then what I have done beyond-Sea my Lord.

My Lords, I remember when I had been first beyond-Sea, I became acquainted with one *Abbot Montague* and Mr. *Thomas Car*, at *Paris*, and they told me then, if I came to the Romish Religion, what preferment I should have here in *England*; they told me what Friends they made in *England*, they nam'd several persons about the Court, and several Gentry in *England* which I did not then know to be Papists. I stay'd sometime among them in *Paris*, and all this while I did not pervert to the Romish Religion; though they told me how many Jesuits they had sent over into *England*. After I left *France*, I was going for *Rome*, where I met with Father *Anderson* Rector of the English Colledge, and Father *Southwel* and Father *Campion*, who introduc'd me into the acquaintance of Cardinal *Grimaldi*, which is an Italian name, but he is Arch-bishop of that place, I happening there, they carryed me to speak to the Cardinal, and he told me what likely-hood there was for introducing the Romish Religion into *England*, and he told me he would prefer me very well there, if I would turn to their Religion; and gave me Letters to several Friends in *Italy*: At last I was perverted to the Romish Religion by vertue of this Cardinal, and this Gentleman at last askt me if I had a mind to study, I told him yes, so I came into an Italian Colledge, and became acquainted with all the Secular Priests, both English, Scotch, and French: who told me what interest they had made in *England* during the coming in of Cardinal *Norfolk*, and said there was but one man in the way, meaning the King, and said they should soon remove him.

Mr. *Jus. Dolb.* Did they mean the King?

Mr. *Smith*. Yes my Lord, they said there was but one man in the way, and that they would soon make an end of him, and that they had men ready in *England* for it. After this, my Lord, I left this Italian Colledge, and came to the English Colledge (for I had a mind to come there) and I made friends with the Jesuits: After I came to the English Colledge, my Lord, I was inform'd of one Father *Anderson* Rector of that Colledge, and Father *Mondford*, who told me that by means of this Cardinal *Norfolk* they did not doubt but to take the King out of the way; and that they would give me all privileges that could be for a young man in that time. When I was coming away, my Lord, from *Rome*, and had my Letters Emisaries, by Cardinal *Perovic*

(He

(He sent for me when I was coming away, as is usually done to all Scholars, and they Kiss the Popes toe, and he gives them his blessing and particular Indulgence: which I had when I came into *England*) said he to me there is one man in the way who hath made us fair promises but will performe nothing, therefore we must take him out of the way, and that I might be Instrumental in the design; with this my Lord I took my leave of the Colledge, and we came five into *England* as Priests, and I made my application to the Arch-Priest which was in *London*, one *Purrat*, and I was employ'd a long time by him in *England*; but Proclamations coming forth for the apprehending Popish Priests, I was constantly after at the *Portugal* Embassadors Chapel, where this *Purrat* had a Chamber, wherein I discours'd with several of the Clergy in *England*, who said they doubted not but Popery would soon be settled in *England*. I came after that to live at one Mr. *Jennisons* House where the Clergy had several meetings, and we were all of opinion that course would be taken with the King unless he brought in Popery. And this my Lords is all I can say in General.

Mr. *Just. Dolb.* Do you know of any Conspiracy in *Yorkshire*?

Mr. *Smith.* My Lord I am coming to that. When I came to Mr. *Jennisons* House, there was one Mr. *Thwing* a Priest, who has suffer'd as a Conspirator, he was very well acquainted in the House before I came there, and did very much to perswade me that I would intreat Mr. *Jennison* to send his Daughters to a place called *Dolbank*, where a Nunnery was to be erected, and I knew several that were there. This Mr. *Thwing* came to me oftentimes and several other Priests in this City, and they all prest me to it, but I was against it, knowing what their design was.

Mr. *Just. Dolb.* But do you know any thing against the Prisoner?

Mr. *Smith.* All that I can say to the Gentleman at the Barr is this. I never saw him before to my knowledge; But Mr. *Thwing* when we were at Mr. *Jennisons* and discoursing of the Plot, askt me how they gave Money in *Bishopprick*, I told him some gave more some less.

Mr. *Just. Dolb.* What were those Collections for?

Mr. *Smith.* My Lord it went among our selves under the notion of Killing the King, and rooting out the Protestant Religion; but we gave it out that it was for repairing a Colledge at *Doway*, which if granted, had been penal by Law. Then I askt him, how doth the Collections go among you in *Yorkshire*, some, saith he, give freely, but saith he, my Uncle and his friends are engaged another way; for saith he, they are going to make a Founder for *Dolbank*: Several persons he named, among which he nam'd this Gentleman.

Mr. *Just. Dolb.* What said he of Sir *Miles*?

Mr. *Smith.* He said Sir *Miles* was very zealous for promoting the Roman Catholic Religion, and had Contributed Largely for the introducing of it into *England*.

Mr. *Gregory.* You say that amongst your selves you gave it out that the money that was rais'd was for the Killing of the King and rooting out the Protestant Religion; pray by what way and means was it to be done, was that ever discours'd among any of you, was it for raising of an Army or what was it for?

Mr. *Smith.* Where ever I was my Lord, it was resolv'd that that was the most effectual means for the introducing of Popery.

Mr. Robert Bolron call'd, and Sworn:

Sir *Tho. Stringer.* Mr. *Bolron* acquaint my Lords and the Jury, what you know of Sir *Miles Stapleton*.

Mr. *Bolr.* May it please your Lordships, I came to live with Sir *Thomas Gascoyne* in 1674. as Steward of his Cole-works; and was then a Protestant, but was perswaded by Mr. *Rushton*, Sir *Thomas* and others to turn Roman Catholick; when I had turn'd Roman Catholick, about 1676, they came and askt me what I would do for the Romish Religion, if it should come to it; I told them I would adventure my life in that cause, and then I went to *Barmbow* Hall where I took the Oath of Secrecy, after that I went to *Barmbow* Hall, where Sir *Miles Stapleton* was at a consult in 1677.

Mr. *Just. Dolb.* At what time in 77?

Mr. *Bolr.* It was about *Whisontide*, my Lord.

Mr. Just. *Dolb.* That was the Whitfontide after you had taken the Oath of Secrecy?

Mr. Bol. Yes my Lord.

Mr. Just. *Dolb.* Who was there?

Mr. Bol. Sir Miles Stapleton, Sir Tho. Gascoyn, Mr. Gascoyn his Son, my Lady Tempest, Lawyer Ingoldby, Mr. Thwing, Father Ruston and several others.

Baron Gregory. What was there done at that Consult?

Mr. Bol. My Lord, the Consult was about killing the King, and Establishing a Nunnery at *Dalbank* near *Ripley*; Sir Tho. Gascoyn gave 90. l. per Annum, and 300. l. for killing the King; and I remember very well *Pickering* was mentioned about killing the King; and they askt Sir Miles Stapleton what he would give? and he said 200. l. for killing the King.

Mr. Just. *Dolb.* Are you sure that in the presence of Sir Miles Stapleton it was resolved the King should be killed?

Mr. Bol. Yes my Lord, it was resolved both by him and all others, that the King should be killed; and my Lord I heard them further say if the Duke of York did not please, that they would serve him, as they would serve his Brother.

Baron Greg. Who said these latter words?

Mr. Bol. *Sherby* of *Stone-house* said these latter words, and Mr. *Sherburn* said—

Mr. Just. *Dolb.* No matter what Mr. *Sherburn* said, what said Sir Miles?

Mr. Bol. The Gentlemen said that Sir Miles should be a Privy Councillour, and that they would procure the Duk's consent to it.

Mr. Just. *Dolb.* Is that all?

Mr. Bol. My Lord I was further at a Consult in Seventy-eight, about the thirteenth or fourteenth of June.

Baron Greg. What time was that?

Mr. Bol. The thirteenth day of June 78. and there it was agreed upon the taking of *Hull*, the letting in of the French there, as the fittest place for the French to land at.

Mr. Just. *Dolb.* Where was this?

Mr. Bol. At *Barnbow*, and likewise they did discourse that my Lord *Bellus* had caused the Block-houses to be almost ruined, that the French might more easily come in; and we had all Pardons for our Sins.

Mr. Lawrence *Mowbray* called and sworn.

Sir Tho. *Stringer.* Mr. *Mowbray*, tell my Lords and the Jury what you know against Sir Miles Stapleton the Prisoner at the Bar.

Mr. *Mowbray.* My Lords, you have heard what Mr. *Smith*, and Mr. *Bolton* say to the Plot in general, what I say shall be very breif in relation to Sir Miles Stapleton and no further. Sir Miles Stapleton being present with Sir Tho. Gascoyn, my Lady Tempest, Esq. Gascoyn and several others, they held several discourses concerning a design of killing the King, Subverting the Government, and bringing in Popery, and accordingly they would hire *London*.

Bar. Greg. When was this?

Mr. *Mowb.* This was in 76, where Father Ruston gave him an Oath of Secrecy, and he promised to be true to the Design, and would venture his Life and Estate for the promoting so good a Cause.

Mr. Just. *Dolb.* Did you hear Sir Miles Stapleton say hee would Adventure his Life and Estate for the killing of the King?

Mr. *Mowb.* Yes my Lord.

Mr. Just. *Dolb.* And was it resolved at that Consult?

Mr. *Mowb.* Yes my Lord.

Mr. Just. *Dolb.* And he consented to it?

Mr. *Mowb.* Yes my Lord, and took the Oath of Secrecy from Father Ruston.

Mr. Just. *Dolb.* This is not the time that Mr. *Bolton* speaks of.

Mr. *Mowb.* No my Lord he speaks of 76. and 78. this was in 78.

Mr. *Bolton.* I have in 75. a Collusive conveyance of Sir Miles Stapleton's Estate to Sir John Daney.

Mr. Just. *Dolb.* Where did you see it?

Mr. Bol. I did see it at Sir Thomas Tarbroughs, and he asking me when Sir Miles Stapleton was at Sir Tho. Gascoyns; may it please you said I, I can tell you something where you are concerned with Sir Miles Stapleton; as soon as he heard that he blusht, and away he went and would hear no further.

Sir Tho. Stringer. What say you *Mr. Mowbray*, of an Indulgence you had?

Mr. Mowb. Yes my Lord I had an Indulgence.

Mr. Just. Dolb. Was it for the time to come, or the time past?

Mr. Mowb. It was for the time past; for I was to enter into the Rosary.

Sir Tho. Stringer. Did you ever attend *Rushion* at the Altar?

Mr. Mowb. Yes I did.

Mr. Just. Dolb. *Mr. Bol.* you say you saw a Collusive Conveyance made by *Sir Miles Stapleton* to *Sir John Daney*; pray what was the forfeiture of it?

Mr. Bol. It was —

Mr. Just. Dolb. Was it *Sir Tho. Tarbrough*, or *Sir John Daney* you told of it?

Mr. Bol. I told it to *Sir John Daney*.

Mr. Mowb. I drew a Copy of that very Conveyance.

Sir Tho. Stringer. Truly my Lord we want *Mrs Bolron*, one of the most material Evidences against *Sir Miles*, being sick at *London*.

Mr. Bayns called and sworn.

Sir Tho. Stringer. Come *Mr. Bayns* declare to the Court what you know against *Sir Miles*.

Mr. Bayns. I know nothing against *Sir Miles*, only I have seen him at *Barnbow-Hall* in 77.

Sir Tho. Stringer. Pray tell us this, whether you have observed in the year 76. *Sir Miles Stapleton* come to several meetings with *Sir Tho. Gascoyn*, and my Lady *Tempest*, and others?

Mr. Bayns. Yes my Lord I have.

Mr. Just. Dolb. But you do not know what discourse they had?

Mr. Bayns. No my Lord, but I remember we were once discoursing about some Nuns beyond Sea, and they were called galloping Nuns.

Mr. Just. Dolb. They were gallopers indeed.

Mr. Just. Dolb. *Sir Miles*, you have heard what hath been proved against you —

Sir Miles. My Lord there is nothing of truth in it at all; I hope to make it appear to your Lordship. I call God to witness I am as Innocent of what they say, as any Child unborn.

Mr. Just. Dolb. That is an easie thing to say.

Sir Miles. I hope to make it appear to your Lordship. Will your Lordship please to give me leave to ask the witnesses some questions?

Mr. Just. Dolb. That you may have allowance in.

Sir Miles. Then I desire to ask *Bolron* this question; Did you accuse me in your Information to Justice *Lowder*?

Mr. Bol. No my Lord I did not.

Sir Miles. Did I or any other desire you to keep any secret for me?

Mr. Bol. Yes my Lord; I have been desired.

Mr. Just. Dolb. But did *Sir Miles* ever desire you?

Mr. Bol. No my Lord he did not, but *Rushion* did, when I was Introduced by the Priests to the Consult.

Sir Miles. Did you and *Mowb.* know that each other was concerned in the Plot?

Mr. Bol. Yes we did.

Sir Miles. Name the persons that were private at the Consult.

Mr. Bol. There was *Sir Tho. Gascoyn*, my Lady *Tempest*, Esq; *Gascoyn*, *Mr. Ingleby*, *Mr. Thwings*, *Mr. Rushion*, *Mr. Addison*, *Mr. Metcalf* and several others.

Sir Miles. How long did the Consult last?

Mr. Bol. Some six or seven hours.

Sir Miles. What Servants were there?

Mr. Bol. I took no notice of the Servants.

Sir Miles. What Room was it in?

Mr. Bol. In the old Dining Room.

Sir Miles. How long did it last?

Mr. Just. Dolb. Six or seven hours he tells you.

Sir Miles. Was there any other at *Sir Tho. Gascoyns*?

Mr. Bol. None else that I can remember.

Sir Miles. Upon what occasion did he mention *Mowbray* in his Information to the Counsel?

Mr. *Just. Dolb.* There hath no Information to the Counsel been mention'd here.

Sir *Miles.* Pray what was the occasion you were turn'd out of Sir *Thomas Gascoynes* Service?

Mr. *Bolr.* My Lord I know not; they say it was about a Trunk; Sir *Thomas Gascoyne* sent him to *Tork* and he was to come again: I know there was a design to take away *Mowbrays* life, but I never told him so much, and my Lady accused him for a Ring, I never durst tell him this, but this was the thing contriv'd against him to take away his life, I can make it appear where he bought the Ring.

Mr. *Just. Dolb.* What tellst thou us of a Ring? canst not thou as well tell us it was for that he left Sir *Thomas Gascoynes* service?

Sir *Miles.* When did you first become a Protestant?

Mr. *Mowbray.* When I made my first Information.

Bar. *Gregory.* When was that?

Mr. *Mowb.* That was in 79, and a little before that I kept correspondency with Father *Addison*?

Sir *Miles.* I desire to know whether he saw a list of names.

Mr. *Mowb.* Yes I did.

Sir *Miles.* Whose names were there?

Mr. *Mowb.* There was your name for one, and Sir *Thomas Gascoynes*.

Sir *Miles.* What was it for?

Mr. *Mowb.* It was a List of those that were Actors and Contributors for Killing the King.

Mr. *Just. Dolb.* You are sure Sir *Miles Stapletons* name was in the List?

Mr. *Mowb.* Yes my Lord, I am.

Mr. *Just. Dolb.* Was it Parchment, or Paper?

Mr. *Mowb.* No, my Lord, it was Paper.

Mr. *Just. Dolb.* Were you to assist in Killing the King?

Mr. *Mowb.* My Lord, I was not to be an Actor in killing the King.

Sir *Miles.* Whether did I, or any other desire you to keep any secret for me?

Mr. *Mowb.* Yes, Father *Rushton* did.

Sir *Miles.* Did I ever do it?

Mr. *Mowb.* No Sir *Miles*, you never did.

Sir *Miles.* Did any body else desire you?

Mr. *Just. Dolb.* Father *Rushton* he tells you did.

Sir *Miles.* Was the discourse so loud that Sir *Thomas Gascoyne* could hear it?

Mr. *Mowb.* Sir *Thomas* could hear well enough when he would.

Sir *Miles.* Was it in 79 that you discover'd the Plot?

Mr. *Bolr.* Yes I went to *London* and there discover'd the Plot in ————— 79
I think it was.

Sir *Miles.* You said I was not concern'd, you only accus'd Sir *Thomas Gascoyne* and some other in your Information but did not name me.

Mr. *Just. Dolb.* Did he so, you may prove that upon him.

Sir *Miles.* It was so in his Information, my Lord.

Mr. *Just. Dolb.* Well then let it be so. Call your Witnesses.

Mr. *Lowder call'd and Exam'd.*

Sir *Miles.* I desire Mr. *Lowder* to acquaint your Lordships and the Jury, what was in the Information Mr. *Bolton* gave in, whether he accus'd me or no.

Mr. *Lowder.* All I know of it is, that in *January* 79 on *Sunday Evening*, as I think, about the 24th. day of the month *Robert Bolton* came to me and told me he had something of Secrecy to impart to me, and I askt him if he would go into the House with me, he told me it was matter of High-Treason; I askt who was concern'd, he answer'd Sir *Thomas Gascoyne* and several others; then I order'd my Clerk to bring a Bible and Pen and Ink to take his Information. I desired him to be very Cautious, telling him that several lives were at stake; at that he began to be fearful and chang'd Coulor; I askt him for what cause that fear was, he said if that were upon my Conscience that was upon his, for concealing it so long, I should be as fearful as he. I bid him seriously consider what he had to say; he said then he had deliver'd his Information to Mr. *Tindal*; well then said I why is it you come to me? said I Mr. *Tindal*

Tindal is to be at my House the 25th. day and I shall discourse it with him, and we shall take it together, *Mr. Tindal* did come, and *Bolton* came and deliver'd in his Information.

Mr. Just. Dolb. You did not give him his Oath at that time?

Mr. Lowder. No my Lord, for it seems he had not then deliver'd in his Information, but only a writing of his to *Mr. Tindal*.

Bar. Gregory. You took no Examination then?

Mr. Lowder. No my Lord, not at that time, but afterwards he came and he gave in his Information to us, and I think we were about two hours about it; and then he did not charge any person but *Rushton* and *Sir Thomas Gascoyne*; but said he had more to recollect, well said I, if you recollect any more you may come again.

Bar. Gregory. Pray who did he name?

Mr. Lowder. He nam'd *Father Rushton* and *Sir Thomas Gascoyne*; he nam'd my Lady *Tempest*, but spoke that as from another. And when he came again he said he would trouble us with no more, but would go to the King and Counsel to deliver in the rest.

Mr. Just. Dolb. He said then he should recollect more?

Mr. Lowder. Yes my Lord he did, and when he came again, he said he would not trouble us with it, but would inform the Counsel of it: when we saw him so positive, he had a Letter of recommendation from *Mr. Tindal* to the Counsel; and he lost that Letter at *Ware*, but he went on, and delivered his Information to the Counsel.

Mr. Just. Dolb. Do you know it?

Mr. Lowder. Yes my Lord.

Mr. Just. Dolb. You cannot know it, were you there then?

Mr. Lowder. No, my Lord, but I do know it.

Mr. Just. Dolb. How do you know it?

Mr. Lowder. I have a Copy of the order under several of the Counsels hands.

Mr. Just. Dolb. That is not Evidence, you are not to speak what another man knows. But that is not the matter, it seems he went to give in his Information to the Counsel, for indeed he could not otherwise have been safe.

Mr. Lowder. After this, he goes up to *London* again, and comes down and brings me another order of Counsel to examin *Mr. Mowbray* and one *Hickeringil*, and I askt him if he knew any thing about *Sir Miles Stapletons* being concern'd in the Plot, and he said no, he believ'd he was very clear.

Mr. Just. Dolb. You say, that *Bolton* brought you another order of Counsel to examin *Mowbray*.

Mr. Lowder. Yes my Lord.

Mr. Just. Dolb. Did *Bolton* bring you in writing what *Mowbray* could say?

Mr. Lowder. My Lord, I know not whether it was in writing or by word of mouth.

Mr. Just. Dolb. What was it he told you *Mowbray* could say?

Mr. Lowder. He told me he could say he saw *Sir Miles Stapleton* at *Barnbow* when the consult was. but said he, there will others come against *Sir Miles*.

Mr. Just. Dolb. Pray Let us ask *Bolton* that, did you say to *Mr. Lowder* you knew nothing against *Sir Miles Stapleton* but there was others would do it?

Mr. B. l. No my Lord not that I remember.

Mr. Lowder. *Bolton* himself had never said any thing against *Sir Miles*.

Bar. Gregory. Did you ask *Bolton* if he knew whether *Sir Miles* was concern'd in the Plot or no?

Mr. Lowder. Yes my Lord I did, and he answer'd he knew nothing against him.

Mr. Just. Dolb. He was not then upon his Oath?

Mr. Lowder. No not then, but after this he delivered his Information, and did Swear to the same effect, that *Mowbray* did Swear, that *Sir Miles* was at *Barnbow* and that they all did Conspire the killing of the King, and introducing the Romish Religion; and he said my Lady *Tempest* came to him, when he was in the passage, and said to him, *Mr. Mowbray* it is fitter for you to be treating of *Sir Miles Stapletons* Servants in the Larder: And he askt me whether he had better go and apprehend *Sir Miles* or *Mr. Ingleby* first.

Mr. Just. Dolb. This was your discourse with *Bolton*.

Mr. Lowder. Yes my Lord.

Mr. Bolr. May it please your Lordship, I did not know then that Mr. *Mowbray* was at all concerned in the Plot.

Mr. Just. Dolb. He tells you, how you told him what *Mowbray* would say before he came to him, and what he would say against Sir *Miles Stapleton*.

Mr. Bolr. Nomy Lord, I never said any such thing.

Mr. Just. Dolb. You say you did not know what *Mowbray* would say, Mr. *Lowder* saith otherwise.

Mr. Bolr. My Lord, I did not know what it was before he brought it himself, and he brought it in writing.

Bar. Gregory. Mr. *Lowder* did he tell you the particulars, or he only said he was to depose things against Sir *Miles Stapleton*?

Mr. *Lowder*. My Lord he told me he could Swear Sir *Miles* was at the Consult at at *Barmbow*, and did there Conspire the death of the King and introducing the Romish Religion.

Mr. Just. Dolb. How long was this Mr. *Lowder*, you had that discourse with *Bolron* before *Mowbray* came to give in his Information?

Mr. *Lowder*. It was my Lord two or three dayes before, and I ordered him to come again, when Mr. *Tindal* was to be at my House.

Mr. Just. Dolb. Were you ever with Mr. *Lowder*, and knew when he and Mr. *Tindal* ordered him to come to him?

Mr. Bolr. I went to Mr. *Mowbray*, and we came to Esq. *Lowders*, and there Mr. *Tindal* was; but I knew nothing of what he had to say; my Lord Mr. *Mowbray* was there at that time he doth affirm.

Mr. Just. Dolb. *Mowbray*, before you came to Mr. *Lowders* had you acquainted *Bolron* with what you had to say?

Mr. *Mowb*. I might acquaint him I had something to say, but did not tell him the particulars.

Mr. Just. Dolb. Did you tell him you had any thing against Sir *Miles Stapleton*?

Mr. *Mowb*. Tis possible my Lord I might, but I am not positive in that.

Bar. Gregory. Did he tell you Mr. *Lowder* what Mr. *Mowbray* could Swear against Sir *Miles*, and was it not the day which he tells you hercof?

Mr. *Lowder*. No my Lord it was not.

Bar. Gregory. It was not the same day?

Mr. *Lowder*. No, my Lord, I shall be positive in it, if I be brought to my Oath.

Mr. Just. Dolb. Come another Witnes, Sir *Miles*.

Sir Thomas Yarbrough Call'd and Examin'd

Sir *Miles*. I desire Sir *Thomas*, to speak, what he heard *Bolron* declare what he knew of the Plot after Sir *Thomas Gascoyne* was taken.

Sir Tho. Yarbrough. The 10th. of August 79 Mr. *Bolron* came to my House about 10 or 11 a Clock at night and knockt at my Door, I thought him very unseasonable, but my Servants looking out at the Window askt who was there, he said a Friend that would speak with Sir *Thomas*, my Servant came and told me, and I ordered my Servant to go down and bring him into my Chamber, in the Interim I put on a Morning Gown: as soon as he came in he told me he had an order of Counsel to search all suspicious places for Popish Priests, and I have great cause to believe that there is one *Rushton* a Priest now at Sir *Miles Stapletons*; what would you have me to do, said I, would you have me to go with you my self? he said no, but a Servant: said I Mr. *Bolron* will you show me the order, and finding his name in the Warrant I askt him was that the Person that inform'd against Sir *Thomas Gascoyne*? his answer was this, that if I pleas'd he would shew me the Article against Sir *Thomas Gascoyne*, when I observ'd the Article I askt him if he knew any thing of Sir *Miles Stapletons* being concern'd in the Plot: No I protest, saith he, I know nothing of Sir *Miles Stapletons* being concern'd in it, for he is a very honest Gentleman; only this I must say, that I know he hath made a Collusive Conveyance of his Estate, and I believe most of the Roman Catholicks in England have done it for the securing of their Estates.

Mr. Just. Dolb. What do you say to this, *Bolron*?

Mr. Bol. My Lord when I delivered in my Information to the Counsel I did accuse Sir *Miles Stapleton*.

Mr. Just.

Mr. Just. Dolb. Did you say this to Sir Thomas?

Mr. Bol. No I did not, if it was not in the Information I gave to the Counsel, believe not one word that I have said.

Mr. Just. Dolb. Its possible it might be in the second Information to the Counsel that you accused Sir Miles: Was Sir Miles Stapleton's name in the Paper you gave to him?

Mr. Bol. Yes my Lord.

Mr. Just. Dolb. This was the tenth day of August 79. Had you then informed the Counsel of any thing before that time against Sir Miles Stapleton's being at Burnbow Hall at the Consult?

Mr. Bol. May it please your Lordship, I was called out when I was before the King and Counsel, and there was something I did not deliver in.

Mr. Just. Dolb. Then you did not do it at that time?

Mr. Bol. No my Lord I did not.

Mr. Just. Dolb. I ask you again, before the tenth day of August 79. Had you informed the Counsel of any thing against Sir Miles?

Mr. Bol. No my Lord I had not.

Mr. Just. Dolb. Then it could not be in the Information that you shew'd him.

Mr. Bol. No my Lord, it was at the second time.

Bar. Greg. Was it before you had this discourse with Sir Tho. Tarbrough?

Mr. Bol. No, my Lord it was not before that: I shall not speak one word of a Lye: Sir Miles. Every word you speak is a Lye.

Mr. Bol. It is no lye before this Honourable Court.

Mr. Just. Dolb. Were these Informations inclosed in the Letter from the Counsel?

Mr. Lowd. Yes my Lord, your Lordship may see the Letter mentions it, (holding the Letter forth in his hand with the Informations) which Mr. Just. Dolb. took and silently read them over, after which he made his report thereof to the Court.

Mr. Just. Dolb. Mr. Lowd. I have read all these things over, and there is nothing of any Consult in them: How should then the Accusation of Sir Miles be mentioned in them?

Bar. Greg. I do believe Sir Tho. you mistake times.

Sir Tho. Tarb. No my Lord, I do not.

Mr. Just. Dolb. In the bringing of this Order of Council to you, did you ask Mr. Bolron if he knew any thing against Sir Miles Stapleton?

Sir Tho. Tarb. Yes my Lord I did, and he said he believed he was innocent.

Sir Tho. Stringer. Pray Sir Tho. why did you ask him that about Sir Miles?

Sir Tho. Tarb. Because I knew Sir Miles was related to Sir Tho. Gascoyn, and was often there.

Sir Tho. Stringer. It seemed Sir Tho. you feared it.

The Lady Tarbrough Called and Examined.

Sir Miles. Madam pray acquaint the Court what you heard Bolron say when he discoursed your husband.

Lady Tarbrough. All I can say is, that I was in bed then and heard him say all these things, and I heard the Order read, and there was mention of several at the Consult, among whom there was no mention of Sir Miles Stapleton.

Mr. Just. Dolb. Does your Ladyship very well remember that Sir Tho. Tarbrough askt him if Sir Miles was concerned, and he said not that he knew of?

Lady Tarb. Yes my Lord, and he said more than that, for when he returned from taking Priests in the afternoon, there was a great deal of Company in the house, and when he came he brought one of the Sons along with him, and they came into the Hall, there Mr. Bol. was with them, and among the rest there was one Mr. Anby, who being a little merry, he takes him by the Arm, and comes and bring him to us as we were sitting in the Porch and said, heark you Mr. Bolron, I hear you are a Discoverer of the Plot? Yes I am said he: Then I pray you, who are they that are concerned? But he would not tell him; so said he, is Sir Miles Stapleton in it? he answered he had nothing to say against Sir Miles, but he was an honest Gentleman for ought he knew, Excepting that he had made a Collusive Conveyance of his Estate.

Mr. Normanton Called and Examined.

Mr. Norm. In June 79: came Rob. Bolron to me, and said, that Sir Tho. Gascoyn would give 1000 l. for killing the King, and the Lady Tempest would have hang'd him for breaking a Trunck, but now he would be even with her: and that Sir Miles Stapleton kept Priests in his house, but he would apprehend them presently, for he might have twenty pound a peece for taking of them.

Bar. Greg. You say Bolron told you this?

Mr. Norm. Yes my Lord he told me this in my own house, and I told him he might go to Esq; Tindal, and I lent him eighteen pence, and borrowed him a horse in the Town.

Richard Pears, Sir Miles's man, Called and Examined.

Richard Pears. My Lord, Bolron came to Carleton.

Mr. Just. Dolb. Carleton, what is that?

Richard Pears. To my Master's house.

Mr. Just. Dolb. Who is thy Master?

Pears. Sir Miles Stapleton.

Mr. Just. Dolb. What then?

Pears. I going to an Ale-house where Bolron was, he askt me how I did, I thank'd him.

Mr. Just. Dolb. Did you know him then?

Pears. Yes my Lord, and he had called for a Pot of Ale, and wished me to drink with him, and he asked me if they did not blame him for accusing my Master Sir Miles? and I said I did not hear him named, he said it was not him, but he might not tell who it was.

Mr. Just. Dolb. When was this?

Pears. Three or four days after my Master was taken into Custody: and he said he would have gone to have seen Sir Miles; but I think, (says he) he does not know me: and he askt me if Mr. Legget would be at our house, and he desired me to give him a Letter; and I said I should not see him; then he said I might burn it; and I did burn it my Lord.

Sir Tho. Stringer, How came you acquainted with Bolron?

Pears. At the Cole-pits, my Lord.

Sir Tho. Stringer. Did you never see him at Sir Tho. Gascoyn's?

Pears. No, my Lord.

Stephen Thompson, Called and Examined.

Mr. Just. Dolb. Have a care you speak nothing but truth, though you are not sworn, yet we can punish you, and God Almighty will punish you if you speak false.

Steph. Thompson. An't like your Honour, Rob. Bolron was Servant to Sir Tho. Gascoyn, as Steward of his Cole-pits; Sir Tho. put him out of his Colepits, and there was a great deal of money due, and he knew not how to get it, and therefore he would take threescore Pounds for it, because he knew not how to get it, and he would take thirty two Pounds at one time, and twenty eighth at another, and he came to me to be bound with him, which I was unwilling to; saith he here is thirty eight Pound good Debt, and I shall take care to get the other, and if Sir Tho. be not kind, I shall do him an ill turn.

Mr. Just. Dolb. What is this to Sir Miles Stapleton?

Thompson. He did swear, this Plot being discovered, they thought he knew something of Sir Tho. Gascoyn, and he said before the Plot broke out, there was never a Catholic in York-shire was concerned in it, if there were any it was above.

Bar. Greg. This was before his Information I'll lay a Wager.

Mr. Just. Dolb. How could he do him an ill turn?

Thompson. My Lord this is the ill turn, Mr. Legget said he did it not for need; Oh Rob. Bolron said I, do you thus requite Sir Tho Gascoyn's kindnesse?

Bar. Greg. Did he speak any thing to you concerning Sir Miles?

Sir Miles. I conceive when they reflect upon Sir Tho. they reflect upon me.

Mr. Just.

Mr. Just. *Dalb.* No not so, you might be guilty, and Sir *Tho.* Innocent; or you might be innocent and Sir *Tho.* guilty.

Sir *Miles.* My Lord I think that as there was a Consult at Sir *Tho. Gascoyn's*; certainly if any one was guilty, we were all guilty.

Baron *Gregory.* There are some that conceive, and I think, not without grounds, that there are no considerable Catholics in England but they are concerned in the Plot.

Mr. Just. *Dalb.* There was one *Dixon* came at Sir *Tho. Gascoyn's* Trial, and said he heard *Bol.* and *Mowb.* down a pair of Stairs, speaking of Revenge against Sir *Tho. Gascoyn* and my Lady *Tempest*, and thinking these Witnesses might now be produced, we called at *Leeds* to view the Stairs, and I am sure neither my Brother nor I could see any probability in it.

Bar. *Gregory.* For satisfaction we made two go up into the Chamber and stand where the Witnesses were, and they spoke as loud as People do usually when they discourse, and I am sure I could neither perceive what they said, nor see them, unless I went three or four steps up.

Mr. Just. *Dalb.* This is but occasioned by your jesting upon the matter.

Nathaniel Wilson Call'd.

Mr. Just. *Dalb.* Sir *Miles* I would put you in mind of one thing, Produce those two Witnesses that were produced at Sir *Tho. Gascoyn's* Trial.

Sir *Miles.* I have none of these Witnesses.

Mr. Just. *Dalb.* Certainly these Witnesses would be as material as any you can have to do it

Sir *Miles.* I have them not here my Lord.

Mr. Just. *Dalb.* Nay, that is because you dare not; the Kings Counsel Will prove what they spoke they were hired to, and had money from Sir *Tho. Gascoyn*, which they confess.

Sir *Miles.* My Lord they made Affidavit of it.

Mr. Just. *Dalb.* Though they did, yet they confessed they were hired to it.

My Lady *Vavasour* Called and Examined.

Sir *Miles.* My Lord, I call my Lady *Vavasour* to tell whether Sir *Walter* was there at the Consult they tell us of at *Barnbow*.

Mr. Just. *Dalb.* That will be heard for her to do, but call her then: Who was called, but speaking so low she could not be heard by the Court, and standing besides Mr. Just. *Dalb.* he repeated her words to the Court. My Lady saith this, Gentlemen,

she believes her Husband was not there in any part of the year, because he was infirm at *Tork*. Now Gentlemen, I would only know whether that be Conclusive Evidence when it is only possible.

Mr. *Legger* Called and Examined.

Sir *Miles.* Mr. *Legger*, pray what money would Mr. *Bolton* have given you when I was taken?

Legger. Mr. *Bolton* desired me to lend his Wife some money to go to Market with, and I did: The same day between *Tadcaster* and *Tork*, Mr. *Bolton* askt me what Allowance Dr. *Oats* had, I told him I heard he had five hundred Pounds a year; and he answered I deserve as much, for I have done as much good as he; as I was going for *Tork*, I met with Mr. *Mowb.* and it Raining I put in at *Tadcaster*; when the Rain was over we set forward for *Tork*, said Mr. *Mowb.* Mr. *Bolton* hath lent for me, so I went to Mr. *Bol.* to the *George*, and he sent for Mr. *Mowbray*, and he pulls out his Information, and after he had read it he askt him if he knew any thing of that, and he said he did not know of it.

Mr. Just. *Dalb.* Well what is that to the purpose, did you hear him say any thing against Sir *Miles*?

Legger. I have heard Mr. *Bolton* say that he had nothing to say against Sir *Miles Stapleton*, but only he had made over his Estate to Sir *John Daney*.

Mr. Just. *Dalb.* How came he to name Sir *Miles* to you?

Mr. *Leg.* He Voluntarily told me of it, when we went to *Alerton* to apprehend some Priests, and when I returned, I told him I took but one of these Persons, old Mr. *Metzels*, and he said he cared not if I had but taken one *Addy*.

Mr. Just. *Dalb.* You must not talk of this fashion.

Sir *Miles.* It shews but what a kind of a man he is.

Mr. Just. *Dalb.* So may we Examine to the end of the Chapter. Do you say *Bolton* read over his Information to *Mowbray* and he said he knew nothing of it as to Sir

Miles Stapleton? *Legg.* No my Lord, but of Sir *Tho. Gascoyn*; he askt him nothing my Lord but against Sir *Tho. Gascoyn*, after they went out and had been together, Mr. *Bol.* told me Sir *Miles Stapleton* was to be taken into Custody, and he said you may as well have it as another, but I'll go half Snipps with you; at last he told me if I have an Hundred Pounds of Sir *Miles*, you shall have Twenty of it.

Mr. Just. Dolb. Had you any Warrant at that time to take Sir *Miles*?

Legg. No my Lord.

Bolton. I know nothing of any such thing.

Mrs. Eliz. Holmes Called and Examined

Mrs. Holmes. And't please you my Lord, at Sir *Tho. Gascoyn's* Trial, Mr. *Bol.* and his Wife they were at our house at Dinner, after dinner they askt me if I would go to Sir *Tho.* Trial, I answered Yes, So Mrs. *Mowbray* came and called her Husband out of door, and I askt her about Sir *Tho. Gaf.* and she said—

Mr. Just. Dolb. Tell us not what she said.

Holmes. She said they were hard People, but she thought they were Innocent to the Plot, and she had nothing to say against them, as God should judge her Soul. Then another time my Lord, after *Bolton* came from *Tork*, he met me, How now Sister, I understand you are to be a Witness against me at *Tork*, but if you'll be kind to me I'll be kind to you and speak as favourably as I can; and he said if he had known he should have been no better rewarded, he would never have been a Witness; the Devil should have been a Witness as soon as he.

Mr. Just. Dolb. Against whom?

Holmes. Against Sir *Tho. Gaf.* and Sir *Miles* my Lord, and he bid me be careful what I swore; for if we did swear false he would have us at the Pillory, and unless I would unsay what I had said in my Lady's Trial, he would punish me sufficiently.

Mr. Just. Dolb. Who said this, know you? *Holmes.* Mr. *Bol.* my Lord:

Bar. Greg. Where do you live?

Holmes. I live my Lord, in *Baldwin's* Garden.

Sir Tho. Stringer. Did you ever tell any that if they would come and swear against the Evidence against Sir *Miles Stapleton*, they should be sufficiently Rewarded?

Holms. No, never in my life.

Sir Miles. When did you see me last, *Bolton*?

Bol. I have seen you in 78. several times.

Mr. Just. Dolb. He hath seen you in Prison.

Bol. My Lord I have seen him at *Barnbow* Hall in 78.

Sir Tho. Stringer. You know Sir *Miles Stapleton*?

Mr. Bol. Yes very well; and I have several times talked with him.

Sir Miles. I desire to know whether he hath seen Sir *Tho. Gaf.* and me discourse about any thing? *Mr. Bol.* No not since the Plot broke out.

Sir Miles. He swore in Sir *Tho. Gascoyn's* Trial he heard me and Sir *Tho.* discourse about *Oats* and *Bedloe*.

Mr. Just. Dolb. Well how material will that be?

Sir Miles. I shall prove that he swore false, for Sir *Tho.* and I was never together since the Plot broke forth. *Mr. Just. Dolb.* That is hard to do.

Bar. Greg. You have an Excellent Witness that can swear that.

Sir Miles. In all probability I can do it.

Mr. Just. Dolb. But that must not go before a positive. Well, have you done?

Sir Miles. There is another Witness or two if it be not too tedious.

Mr. Just. Dolb. No we will stay here all day if you please.

Edward Cooper Called and Examined.

Cooper. My Lord all that I can say is we having been at *Auberton* Fair, we met with Mr. *Mowbray*, knowing him and being acquainted with him, pray said I, whether is there any thing of a truth in this that *Bolton* swears against Sir *Tho. Gaf.* or no? No faith he, he might as well have sworn it against you or another Person; for I have been in the house as he, and I never knew any such thing.

Mr. Just. Dolb. This was before *Mowbray* had discover'd any thing, for *Mowb.* was then a Papist and had taken the Oath of Secrecy; besides 'tis not much what *Mowb.* said he was going on a high-way: If it had been before a Justice of Peace, or if he had been upon his Oath, then it had been more material.

Madam Shereburn Called and Examined.

Sir Miles,

Sir. *Miler*. Madam *Shereburn*, pray declare what *Bol*, said at your house.

Madam *Shereburn*. Mr. *Bol*. and *Mowb*. came to our house under the pretence of searching for Priests, and *Bol*. took several parcels of Silver away with him.

Judge *Dolb*. Away, away, if you have any thing against him on the behalf of this Gentleman, Madam speak it; but you would prove him a Thief, and say he went to seek for Priests and he stole money from them.

Mowb. We went to seek for Priests, and we took some Chalice and other Popish trinkets away.

Mr. Just. *Dolb*. Do not spend your and our time in saying that *Bol*. and *Mowb*. were knavish boys; we it may be are all guilty of Extravagances in that particular.

Bar. *Gieg*. They themselves confess they have been very bad; They took the Oath of Secrecy, and it is as ill as ever was spoken or writ in so few words.

Mr. Just. *Dolb*. I know they have been very bad men. Well have you any more Witnesses?

Sir *Miler*. I can produce my Neighbours and those of the Church of England, that can say no otherwise than that I have been of good behaviour.

Sir *Tho. Stringer*. It is generally concluded by all that Sir *Miler* hath been a very good man until he fell into this great Action.

Mr. Just. *Dolb*. Brother have you any thing more to say? if not I'll proceed.

Sir *Tho. Stringer*. Only I desire that *Dixon* and *Wilson* may be called in to swear that they were hired at Sir *Thomas Gascoyn* Trial.

Mr. Just. *Dolb*. Call them then.

Dixon Call'd and Sworn.

Sir *Tho. Stringer*. Pray tell my Lord and the Jury what Witnesses were hir'd, and whether you were hired to testify for Sir *Thomas Gascoyn* or no?

Dixon. My Lord, in November 79 *John Bayly* sent *John Wilkinson* for me, and when I came there, *Bayly* was there; and they desired me to go and there call'd me into the Garden, and ask'd me if I would be a Witness for Sir *Thomas Gascoyn*, and would give me forty shillings.

Wilson Call'd and Sworn.

Sir *Tho. Stringer*. Were you offer'd any thing by Mr. *Babington* to be a Witness for Sir *Miler*?

Wilson. I was, my Lord.

Sir *Tho. Stringer*. Pray tell my Lord what you were offer'd, and what he would have you to say?

Dixon. *Bayly* would have him to be a Witness.

Mr. Just. *Dolb*. Well, but what was he to say?

Dixon. He was to say he never see *Bol*. nor *Mowbray* at his house. Saith *Bayly*, I saw them at the door. Thou never didst see them in my house? Yes saith he I see them once, and my Lord, the third time before they departed he might say that in 79. he came in and found them there.

This he press on me, telling me it was but as telling a Lye, for no Oath was required in this Case.

Bar. *Gieg*. Did Mr. *Babington* offer you money, what would he have you to testify for it?

Mr. Just. *Dolb*. What money would he have given you?

Wilson. He would have given me 10 l. and *Hickeringil* profered me 10 l.

Mr. Just. *Dolb*. Is *Babington* a Solicitor for Sir *Miler*?

Bolton. Yes my Lord here he is.

Dixon. *Bayly* did press me to say again that he did never see Mr. *Bol*. and *Mowb*. in his house, and he had made a Contrivance of that.

Christopher Langley and Richard Cocker called and sworn.

Sir *Tho. Stringer*. Pray tell my Lords and the Jury what you have been profer'd, and by whom to give Evidence for Sir *Miler*.

Chr. *Langley*. My Lord and I please you, I kept a publick house, So *William Bayly* and *John Koss* came and called for a quart of Ale, and this *Richard Cocker* was with us, and he said if you'll go and be a Witness for Sir *Miler* in those things we shall direct

direct you, you shall have a couple of Oxen and half a score of Sheep.

Sir Tho. Stringer. Who profer'd you this? *Langley, Wil. Batley and John Rast.*

Cacker. Well it is the same my Lord, I went with him into his house and he profer'd him a couple of Oxen and half a score of Sheep, if he would be a Witness for *Sir Miles*.

Mr. Bayns called and sworn.

Sir Tho. Stringer. Speak whether *Mrs. Holmes* would have had you to have recanted any thing against *Sir Miles*.

Mr. Bayns. He profer'd me since I came into the Kingdom of England threescore pound a year to have holden my tongue, if I had any thing to say against *Sir Miles*: I told her not whether I had any thing or no, and she profer'd me 60. l. per Annum, *Mrs. Hewis* said she would give me more if I would say nothing against *Sir Miles*.

Mr. Just. Dolb. Did they make any assurance?

Bayns. I askt them, do you know another Gentlemans Purse: they said they knew it very well that he would give it.

Sir Miles. Pray let *Mrs. Holmes* be call'd again.

Mr. Just. Dolb. Well, she denies it. What is that *Hewis*?

Bains. He married another of my Daughters: my Lord.

Mr. Just. Dolb. She only appear'd zealous for *Sir Thomas Gascoyne*, and she would be the same for *Sir Miles Stapleton*. Have you any thing more *Sir Miles*?

Sir Miles. No, my Lord: only *Mrs. Holmes* denies it.

Mr. Just. Dolb. She does so.

Sir Miles. I have not much to say against *Mr. Bayns*.

Mr. Just. Dolb. I do not hear he saith much against you.

Bar. Greg. He had got his money pretty easily if he said nothing more against you: he had scarce earn'd his money.

Sir Miles. I desire the Jury may Consider what Credit was given to their Evidence formerly in the former Trials: for I speak seriously, I never spoke any such thing, nor was ever at any Consult about any such thing; I believe there is none that knows me will believe it. *Mr. Just. Dolb.* Is that all?

Sir Miles. The Evidence is very improper: I never thought ill against the King in my life: what reason was there for it?

Mr. Just. Dolb. No reason at all that either you or any Papist should do it, but only through the mad fiery zeal of the Jesuits, for ever since the Reformation you have enjoy'd your Estates and Religion without any molestation, but you could not endure we should quietly enjoy ours. But if you have any matter on Record against them we will hear it: It may be you will say he is an idle fellow and the like; there will be no end of such reflections.

Bar. Greg. You see what is produc'd on your behalf *Sir Miles* though not by your direction, yet on your behalf, and they said it was but telling a lie.

Sir Miles. No, my Lord, not I; I never gave any such directions.

Mr. Just. Dolb. Gentlemen of the Jury, *Sir Miles Stapleton*, stands indicted for a very foul Treason, for endeavouring to subvert the Government, change the Religion, and to bring in Popish Superstition and Idolatry: which he could never do, without compassing the Death of the King, he being the only obstacle in the way. This is his Charge. The proof of this depends upon *Bolton* and *Mowbray*; *Mr. Smith*, the first Witness, he only relates he hath been in *Rome* and *France*, and among all the Priests he convers'd with there was such a design on foot; But against *Sir Miles* he knows nothing, but things told him by *Mr. Thwing*, which I must tell you is no Evidence against *Sir Miles Stapleton*. *Bolton* and *Mowbray*, do positively swear the thing as plain as any thing can be; they both swear they were present at several Consults, where it was resolv'd the King should be kil'd, and that *Sir Miles* did agree to it, and did agree to contribute 200 l. to carry on this Design. Captain *Bayns*, being Examined, he saith he did really see *Sir Miles* at *Barmbow-Hall* at that time, but he doth not know whether it was about that or no.

Against this, *Sir Miles* saith it cannot be but this is an Invention of *Bolton* and *Mowbray* and to prove this he produceth several witnesses, that *Bolton* should deny, and that he should sometimes say that *Sir Tho. Gascoyne* knew nothing of it: sometimes that *Sir Miles* knew nothing of it: I must tell you at this time, that they were then discours'd with.

withal, they at that time were Papists themselves, and lay under the Oath of Secrecy. But now here are three Witnesses, Sir *Tho. Yarbrough*, my Lady *Yarbrough*, and Mr. *Lowder*; and they do speak as much as any of the other doth concerning *Bolton* and *Mowbray*, and they speak it when it was a time Pertinent; for what they spoke to a Justice of Peace at that time seems somewhat probable: You heard what Mr. *Lowder* saith, they came to him to accuse them the 25th. day of *January* 79, and he put them off for that time, and he gives you Reasons why he did it; and then he brings an Order of Counsel to Examine *Mowbray*, and he tells him what *Mowbray* would Swear, and he tells him he would Swear against Sir *Miles Stapleton*, that he was at the consult at *Barnbow-Hall*; you have heard him often deliver this, and because it was somewhat material we desir'd him to speak it again and again: *Bolton* denies it, he never told him what *Mowbray* could Swear; so that depends upon the Credit of the Witnesses.

Sir *Thomas Yarbrough* tells us that *Bolton* came to him, and knockt him up out of bed for his Warrant to search for *Rushton* a Priest, who he said was at Sir *Miles*'s, and thereupon he askt him if he could tell any thing of Sir *Miles Stapleton*, and he said no, with many Asseverations; now if that Information were the same that was sent to Mr. *Lowder*, then tis of no such weight, and it hath been presuppos'd by the Kings Counsel that Sir *Thomas* might forget himself, neither was there any thing in these Papers relating to Sir *Miles*.

And my Lady *Yarbrough* being in bed in the same Chamber, she saith she heard the Papers Read and her Husband askt him of Sir *Miles Stapleton*, but he deny'd that he was concern'd in the Plot: And she saith further, in the Afternoon, a Gentleman brought him into the Porch where they were sitting, and the Gentleman askt him who was Plotters, but he would not tell him; then he askt him if Sir *Miles Stapleton* was concern'd, and he positively deny'd it. These things hang not well together, I know not how to make any observations upon it; he denies that he said so, they say he did. The rest of the witnesses are not very much material, only as I told you before, what talk they would have talkt before they changed their Religion: There is nothing proved against them, but they are good witnesses in the Law; there is no Records, nor perjuries, nor any thing else that takes off their Evidence, they have Sworn it several times, and stand to it. Now you have heard and taken notice what objections have been made against it

Baron *Gregory*. My Brother hath open'd it so fully, I shall trouble you with very little, only to let you see that my observations were the same, and that I concur in the Evidence with my Brother, for there is very full Evidence against the Prisoner at the Barr. The matter they swear is Treason of the Highest nature imaginable: There are but two that Swear positively, but they Swear of several Consults, and of the particulars that were agreed on by Sir *Miles Stapleton* for the carrying it on; and there is no material witnesses against them. For the latter witnesses, of their denying of it, it must be before they were of the Protestant Religion; when they were concern'd as much to conceal it, as any Persons that were guilty of it: besides in a discourse a man is not bound to tell a Neighbour all things that he doth know, he cannot be safe to tell it to a private person at that time. It is very true, as my Brother hath told you, they were resolv'd when they discover'd it they would have security for themselves: I suppose they needed not have fear'd Sir *Miles* flying from being apprehended, but if Sir *Miles* was at large they might have fear'd it. But when they came to be examin'd upon their Oaths before Mr. *Lowder* and Mr. *Tindal* there could not be any thing to excuse them: It is true, to my apprehension, there was no probable reasons why these two Gentlemen should ask them if Sir *Miles* were concern'd in the Plot; for in the information that they saw, his name was not mentioned; thus they were as much afraid as Sir *Miles* was, it may be, it was their care of him knowing what Religion he was of, and knowing him to be related to Sir *Thomas Gascoyn*. No it doth depend upon the Credit of what they have Sworn, they deny what is charged upon them by these Gentlemen; by Sir *Thomas Yarbrough* and by my Lady; and tis true Mr. *Lowder* was as a Magistrate too, and Sir *Thomas* was as a Magistrate too, it is true he was not upon the Examination of them upon Oath at that time, therefore that was not as before a Magistrate; but Mr. *Lowder* they came to him as a Magistrate, therefore it must be for you to consider whether or no there might be a forgetfulness of them in their speaking or a misunderstanding

ing of them; there is nothing else that I know can tend to the reconciling of it: For if there were a mistake by the one, or a forgetfulness in the other, then it might alter the understanding; but if they heard well and remember'd true, then it will be, as I said before, more difficult to be reconciled. But Gentlemen, upon the whole matter, it will depend upon the Construction and Reputation of what they Swear and these Gentlemen speak, which you are to Consider.

Having Sworn a Bailiff, the Jury withdrew for about half an hours consultation together, and then Return'd into Court and gave in their Verdict,
NOT GUILTY.

FINIS.